

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. SACV 12-01520-CJC(RNBx)

Date: January 4, 2013

Title: TOM CONZELMAN, ET AL. V. UNITED HEALTHCARE SERVICES, INC., ET AL.

PRESENT:

HONORABLE CORMAC J. CARNEY, UNITED STATES DISTRICT JUDGE

Michelle Urie
Deputy Clerk

N/A
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFF: ATTORNEYS PRESENT FOR DEFENDANT:

None Present

None Present

PROCEEDINGS: (IN CHAMBERS) ORDER TO SHOW CAUSE WHY THIS ACTION SHOULD NOT BE DISMISSED FOR FAILURE TO PROSECUTE

Pro se plaintiffs Tom Conzelman and Robbie Frazier (together, “Plaintiffs”) filed this action in Orange County Superior Court on August 1, 2012 against United Healthcare Services, Inc. and United Healthcare Insurance Company (together, “Defendants”) for common law breach of insurance contract, breach of the covenant of good faith and fair dealing, and negligence. (Dkt. No. 1, Exh. A [“Compl.”] ¶ 13.) Defendants removed the case to this Court on September 12, 2012, citing federal question jurisdiction. (Dkt. No. 1 ¶ 6.) Plaintiffs moved to remand the case to state court or, in the alternative, grant leave to file a first amended complaint. (Dkt. No. 15.) The Court found that Plaintiffs’ causes of action were preempted by ERISA, and accordingly denied Plaintiffs’ motion to remand. (Dkt. No. 18.) The Court allowed Plaintiffs until December 26, 2012 to file an amended complaint, (*id.*), which Plaintiffs have failed to do. The Court hereby **ORDERS** Plaintiffs to show cause in writing no later than January 17, 2013, why this case should not be dismissed for failure to prosecute. Defendants may file a written opposition to this order to show cause no later than January 24, 2013. This matter will stand submitted upon receipt of all papers.

mtg

MINUTES FORM 11
CIVIL-GEN

Initials of Deputy Clerk MU